

MEMORANDUM

DATE: February 24, 2011

TO: Policy Committee

FROM: Jason Purse, Senior Planner

SUBJECT: Multiple Use Districts/Form-Based Code and Redevelopment of Toano

I. Form-Based Code and Redevelopment

In 2006, the Board of Supervisors adopted design guidelines for the Toano Community Character Area (CCA). Toano was previously a vibrant hub in the County, but because of widening of Richmond Road and a population shift, needed some redevelopment and revitalization. Staff and Renaissance Planning Group established the design guidelines by surveying the remaining important historic structures, as well as working with the citizens to ensure their vision of a future Toano was achieved. Implementation of the guidelines has focused on developers redeveloping the area. During the Comprehensive Plan update process, form-based codes were discussed as a way to promote redevelopment of Toano, and a GSA was included in the final document that recommended evaluation of this option during the multiple use districts ordinance update. No actual form-based code language has been created for the Toano CCA to date. Staff is requesting feedback from the Policy Committee on the options below pertaining to ways to further promote the desired redevelopment and revitalization of Toano.

II. Discussion Items

1. Description of issue/problem and history
 - *One tool that can be explored is form-based code. A form-based code is a method of regulating development to achieve a specific urban form. It is a tool that favors regulating a property's form over its use. Form-based codes set certain standards for the appropriate form and scale of building facades, streets, and blocks within a given community. Whereas conventional zoning limits development of land to a single-use, form-based codes do not strictly limit the use of property, and therefore allow for mixed uses within the same block or building.*
2. Evaluation
 - *Finding the most appropriate way to spur redevelopment and revitalization of the Toano Community Character Area (CCA) requires consideration of a number of different variables. First, staff considered the existing zoning and Comprehensive Plan designation of the area. A majority of the southern side of Richmond Road is zoned B-1, General Business, but there are also parcels zoned PL, Public Lands, and A-1, General Agricultural. On the northern side a majority of land is zoned M-1, Limited Business/Industrial, but there are also parcels zoned M-2, General Industrial; A-1, General Agricultural; and PUD-R, Planned Unit Development Residential. The Comprehensive Plan designates the entire Community Character Area Mixed-Use. There are specific descriptions of suggested uses and intensities for different areas of the CCA, but the entire area is designated Mixed-Use with a general emphasis on residential and retail/commercial development.*

- Existing development in Toano varies. On the northern side of Richmond Road there are three historic structures along Richmond Road, as well as a number of small businesses. Behind the historic structures there is an apartment complex. Further down Richmond Road, Toano has a much more industrial appearance, with an established lumber yard, Luck Stone Construction complex, as well as the Bryant construction materials storage facility. Obviously, these uses vary greatly in terms of aesthetics, and ability to meet the design criteria established in the design guidelines. The design guidelines promote redevelopment of the CCA to include residential and retail/commercial space in an effort to bring a sense of place to Toano. The guidelines do acknowledge the existing industrial infrastructure, but also acknowledge that these uses are not compatible with the residential/retail area proposed for most of historic Toano and note that they should be adequately buffered from other land uses.
- Given the varying level of existing development and the majority of land with industrial zoning throughout the entire CCA, a form-based code, may not be appropriate. The existing industrial areas are still viable uses for their location and having a form-based code overlaid on top of those areas may prohibit or prevent expansion of those valuable uses to the County. A use based Euclidian model would be more appropriate.
- For the historic area, a form-based approach may be more feasible. This section of Toano has a very distinct character and has similar uses both on-the-ground and proposed in the Comprehensive Plan.

3. History

- The Toano Community Character Area design guidelines, approved in 2006, have specific recommendations regarding the form of buildings in the Toano CCA. These forms are based on existing structures that were deemed important during the study process. The building forms could be translated into a code for future developers to follow.
- Similarly, there are complete street, landscaping, setback, and building massing designs that could be built into the code.
- The existing adopted design guidelines serve as a legislative version of form-based code currently. In other words, during review of cases that require approval from the Board of Supervisors, the criteria listed in the guidelines is evaluated along with the Comprehensive Plan language and designation description.
- Only two form-based codes have been adopted in Virginia. Arlington County and Portsmouth both have form-based codes, but both of these codes are for infill sites in dense urban areas.

4. Pros and Cons

- The primary incentives to promote redevelopment are greater potential development densities and more permitted uses. Projects under 60,000 s.f. that conform to the code are permitted by right. The code also lists administrative adjustment standards to provide relief from the form controls. Since these are primarily infill codes, infrastructure responsibilities are shared by private developers and by the cities. All provisions will be incremental. For example, developers must install utilities, sidewalks, street trees, and street furniture but would only be required to build new roads if the project site included these proposed roads. Meanwhile, the cities could bring existing roads up to standard using whatever revenue sources are currently used for transportation improvements.

- *Proponents have used the certainty afforded by a form-based code as a major selling point. In other words, if the code has been tailored to a specific area, and if that tailored code was developed through a participatory planning process, most development approvals could be handled administratively.*
- *Since form-based codes are not designed to limit uses or density, having a form-based code for Toano may allow more residential density than would be desirable. A number of residential rezoning applications have failed to gain the necessary approvals in Toano because of their impacts on the area. Allowing a form-based code, which limits the building size and scale but does not address the possible density of a development, could have adverse impacts on the infrastructure network, if the developer does not have an adequate balance of uses. One of the benefits of using the Toano design guidelines as a legislative form-based code is that the impacts of the development can still be evaluated, while the form of the buildings is still paramount to the success of the project.*
- *A by-right form-based code would not produce cash proffers for residential uses.*
- *Because of the complexities of drafting a form-based code (and possibly rezoning the land), the actual form-based code document would not be produced during this ordinance amendment update process. Actual language would need to be drafted after the completion of this process.*

5. Comprehensive Plan GSAs, public input, and PC and BOS direction

- *LU 4.5-Promote infill, redevelopment, revitalization, and rehabilitation within the PSA.*
- *LU 4.5.3-Promote infill, redevelopment, revitalization, and rehabilitation within the PSA...Revisions to the Zoning Ordinance to create a form based code or code overlay that could apply to specific areas, such as Toano.*

6. Solutions and policy options

- *Given the existing zoning and uses in Toano, staff does not believe a form-based code is the best way to promote redevelopment for the entire Toano Community Character Area. The “historic” section of Toano may be more appropriate for a form-based code. However, for the form-based code to truly benefit developers, the form-based code would need to include a by-right development option. This option, as seen in Arlington and Portsmouth, would require the County to take responsibility for some of the infrastructure improvements in the area. The County will most likely need to undertake studies of the transportation corridor to determine the adequacy of the network and the acceptable amount of development that the current infrastructure can handle, prior to any by-right development being approved.*
- *If a by-right form-based code is not implemented it will lessen the impact on spurring redevelopment, as it would entail the same legislative review required with a rezoning and no guarantee of added benefits (i.e. added density). The existing Toano Community Character Area Study Design Guidelines are currently acting as a legislative form-based code.*
- *Staff will discuss a redevelopment district in the next section that may also be an effective tool to promote redevelopment in both Toano and the entire County.*

5. Staff recommendation

- *Staff recommends against adopting a form-based code for the entire Toano CCA. However, the groundwork for a code is currently present in the adopted Toano CCA design guidelines. Staff believes it could be most appropriately applied to the “historic” section of the Toano CCA. Alternatively, staff believes a modified form-based code is currently being implemented through guidelines for legislative cases. Staff believes that the flexibility provided by the*

redevelopment district, that will be discussed in the next section, may provide the both the flexibility desired by developers and assurances afforded the legislative process to be an acceptable alternative that will still meet the goals of the Comprehensive Plan.

B. Redevelopment District Ordinance

1. Description of issue/problem and history

LSL, the consultant hired by the County to work on the sustainability audit, has provided the County with a number of suggestions to help the County become more sustainable. One of the fundamental concepts of the study is making redevelopment more attractive to potential developers. One tool they have suggested is a redevelopment district. The purpose of the redevelopment district is to encourage redevelopment by providing design flexibility to the developer in terms of the height, area, and dimensional requirements. Currently, in the various business/industrial districts uses are limited by setback, yard requirement, lot size, and other dimensional requirements. There are examples of lots created before the zoning ordinance was in effect that, because of current regulations, would not be able to redevelop easily. A new ordinance, that allowed this type of dimensional flexibility with the inclusion of certain public benefits, could be a solution for developers and for the County.

2. Comprehensive Plan GSAs, public input, and PC and BOS direction

- *LU 4.5-Promote infill, redevelopment, revitalization, and rehabilitation within the PSA.*
- *ED 5- Encourage infill development, the redevelopment of existing parcels, and the adaptive reuse of existing buildings to efficiently use infrastructure and natural resources.*

3. Solutions and policy options

As described in the residential district memo, using the Redevelopment District would require a legislative review (rezoning); however, it would provide needed flexibility to the developer if the project meets the criteria established for redevelopment parcels. The suggestions provided by the consultant to include as criteria for qualifying for a Redevelopment District include:

- a. Mixed-use development with residential and non-residential uses or a variety of housing types;
- b. Redevelopment of brownfield or greyfield sites;
- c. Pedestrian/transit-oriented design with buildings oriented to the sidewalk and parking to the side or rear of the site;
- d. High quality architectural design beyond the site plan requirements of this chapter;
- e. Extensive landscaping beyond the site plan requirements of this chapter;
- f. Preservation, enhancement or restoration of natural resources (trees, slopes, non-regulated wetland areas, views to the river);
- g. Preservation or restoration of historic resources;
- h. Provision of open space or public plazas or features;
- i. Efficient consolidation of poorly dimensioned parcels or property with difficult site conditions (e.g. topography, shape etc.);

- j. Effective transition between higher and lower density uses, and/or between non-residential and residential uses; or allow incompatible adjacent land uses to be developed in a manner that is not possible using a conventional approach;
- k. Shared vehicular access between properties or uses;
- l. Mitigation to offset impacts on public facilities (such as road improvements); or
- m. Significant use of sustainable building and site design features such as: water use reduction, water efficient landscaping, innovative wastewater technologies, low impact stormwater management, optimize energy performance, on-site renewable energy, passive solar heating, reuse/recycled/renewable materials, indoor air quality or other elements identified as sustainable by established groups such as the US Green Building Council (LEED) or ANSI National Green Building Standards.

Staff understands that many of these points would require additional definition (and possibly graphics) to ensure conformity. The list has been offered as a starting point for discussion before more specific language is crafted.

Under this model, the County would promote flexibility for developers who wish to redevelop property, but would still have controls over the outcome of the development, as it would require a legislative review (including proffers to mitigate impacts that would not be possible under a by-right model). As can be seen from the ordinance language, any redevelopment must meet the goals of the Comprehensive Plan and must be compatible with adjacent property and uses.

5. Staff recommendation

- *Staff recommends creating the Redevelopment District as a tool to promoting redevelopment in Toano and in the County at large. This type of district would maintain protections from incompatible uses through the legislative review process, while also providing developers with added flexibility from the design requirements of the underlying zoning for the Toano CCA. Specifically, the design guidelines would still be considered during the review of any Redevelopment District application, and would still be applied as a legislative form-based code, but the Redevelopment District would allow the rest of the County to have additional options for redevelopment of property.*

III. Conclusion

There are many options to help promote redevelopment, both in Toano and throughout the County. Since the existing Toano CCA design guidelines are currently functioning as a legislative form-based code, having a by-right form-based code option would be the next possible step. Further study of the existing infrastructure and development capacity may be needed to implement a by-right option, as many of the improvements guaranteed during a legislative process (from the developer) would fall onto the County under a by-right scenario. Given the limitations of a form-based code, staff also investigated other redevelopment strategies. A Redevelopment District is another means of promoting the re-use of land, rather than relying heavily on Greenfield development. Both of these options can be implemented, but the form-based code approach would only be possible in the Toano CCA, as currently that area is the only area that has approved form-based design guidelines. Staff requests guidance from the Policy Committee on which options for redevelopment may be appropriate for the County to

undertake. Staff has also included links to the Toano CCA design guidelines and form-based codes for Arlington and Portsmouth. The sample form-based code ordinance is being attached as a hard copy.

Associated Links

Toano CCA design guidelines

<http://www.jccegov.com/pdf/devtmgmtpdfs/planning/toano/Final%20Adopted%20Guidelines.pdf>

Arlington (Virginia), County of. 2004. The Columbia Pike Special Revitalization District Form Based Code.

<http://www.arlingtonva.us/Departments/CPHD/Forums/columbia/current/CPHDForumsColumbiaCurrentCurrentStatus.aspx>.

Portsmouth (Virginia), City of. 2009. *Uptown D2 District Form-Based Code*.

http://www.portsmouthva.gov/planning/images/destinationptown/PortsmouthUptownD2_Nov24-FINAL.pdf.